

REMARKS

Reconsideration of the pending claims is respectfully requested in view of the above amendments and following remarks made in light of newly identified documents referred to below.

Claim 1 is amended to require that the inkjet recording medium consists essentially of a support and of one or more ink receiving layers and that the ink receiving layers comprise a porous foamed hydrophilic polymer.

New claim 13 has been inserted which specifies that the ink receiving layers consist essentially of a porous foamed hydrophilic polymer, and optionally as surfactant.

The amendments to the claim are supported by the specification including the Examples.

Entry of the present amendments is respectfully requested, since they eliminate issues by clearly distinguishing from the cited references and place the application in condition for allowance.

Rejection under 35 USC 102(b) and 103(a) over DeBoer

Claims 1-5, 7 and 9-11 were rejected as being anticipated by DeBoer et al (US 6,299,302) and Claims 1-7 and 9-12 were rejected as being unpatentable over DeBoer, for the reasons made of record by the Examiner.

The Examiner's rejections are now moot in view of the amendments made to claim 1 of the present application.

DeBoer is concerned with an ink jet receiver which provides variable dot sizes, comprising a substrate, an ink receiving layer disposed over the substrate and a removable ink delivery layer, which in response to a droplet of ink, absorbs a portion of the ink and delivers another portion of the ink to the ink receiving layer (see column 2, lines 1-8). The ink receiving layer is composed of a number of essential components, including clay, one or more water-soluble binders, one or more hardening agents and optionally colloidal silicas (see column 3, lines 21-23). According to Table 1 of DeBoer, the water soluble polymer component is preferably from 5-12% by weight. Amongst a list of additional materials that may be useful in the ink receiving

layer is mentioned blowing agents, although no blowing agents are utilized in the specific embodiments.

Claim 1, from which claims 2-5, 7 and 9-13 depend, is directed toward an inkjet recording medium comprising a support and one or more ink receiving layer(s), each of which one or more ink receiving layer(s) comprises a porous *foamed* hydrophilic polymer, wherein the one or more ink receiving layer(s) are essentially capable of absorbing dye from an applied ink within the polymer instead of being held in pores located between particles, thereby improving image stability.

There is no disclosure in DeBoer of an ink recording medium consisting essentially of a support and an ink receiving layer comprising a porous foamed hydrophilic polymer. Furthermore, there is no reason from DeBoer that would lead the skilled person to try and improve the image stability in all the layers since the top layer of DeBoer's ink recording element is designed to be removed and so is not required to be an environment in which image stability is important. It is submitted, therefore, that claim 1 is novel and inventive over DeBoer. Claims 2-7 and 9-13 are novel and inventive at least by their dependence on patentable claim 1.

Furthermore, the assertion made in the Official Action that the binder in the present application can, in theory, be less than 50% by weight, in fact relates to the proportion of binder that may be present in a coating solution. In particular the specification states that the proportion of blowing agent in the coating solution can be as much as 200% (although preferably significantly less). However, it should be remembered that in the inkjet recorder formed, after blowing, the proportion of hydrophilic polymer would be significantly higher (in contrast with the ink jet receiver of DeBoer, which is likely to be porous due to the presence of up to 80% by weight of clay – see Table 1).

For at least the above reasons, reconsideration and withdrawal of the rejection are in order.

EP-A-1,060,901 and US 6,291,127, cited in the Supplemental IDS of January 27, 2005, mention foaming but do not anticipate or render obvious the amended claims for the following reasons.

EP-A-1,060,901 (hereafter the '901 patent) is concerned with an ink jet image recording element comprising a support, an absorbent layer and a top layer which is ink receptive and comprises one or more hydrophilic polymers, gelatin, a crosslinking agent for gelatin and a humectant. On page 4, lines 22-24 of EP-A-1,060,901, it is stated that "a porous structure may be introduced into the base layer by the addition of ceramic or hard polymeric particulates, by foaming or blowing during coating, or by inducing phase separation in the layer through introduction of non-solvent". There is no disclosure in the '901 patent of the ink receiving layer being made porous, only that the option of making the base layer porous is there. It is noted that the base layer is not an *ink receiving layer* as required by the present claims, since it is present primarily as a sponge to absorb *ink solvent* (see page 4, line 12). Furthermore, the ink jet receiver of the '901 patent does not consist essentially of a support substrate and one or more ink receiving layers, which ink receiving layers each comprise a porous foamed hydrophilic polymer, as required by the present invention. Given that the invention described in the '901 patent is primarily concerned with a non-porous hydrophilic polymer ink-receiving layer having a hydrophilic *sponge* layer beneath, with the purpose of providing improved dry time and gloss, there is no indication or suggestion in the '901 patent that would lead the skilled person to utilize a porous foamed hydrophilic polymer in each ink receiving layer in order to improve image stability whilst minimizing dry time.

US 6,291,127 (the '127 patent) is primarily concerned with providing a support substrate for an imaging medium, such as thermal dye transfer media, electrophotographic media, photographic media and ink jet media among others, which support substrate is resistant to liquid penetration whilst maintaining a favored fibrous feel. At column 13, lines 14-17 thereof, it is mentioned that a porous structure may be introduced into ink receiving layers comprised of hydrophilic polymers by foaming or blowing during coating (among other methods). Since the '127 patent states that it is sufficient for the base layer to be hydrophilic, *but not porous*, it follows that the ink jet receiver contemplated by the '127 patent comprises of more than one layer, at least one of which does not comprise a porous foamed

hydrophilic polymer. Also, since the '127 patent is primarily concerned with providing a specific support substrate and the description regarding the coating as an ink receiver is incidental to the invention, it would appear that there is nothing in '127 that would lead the skilled person to prepare an ink jet receiver *consisting essentially of* a support and one or more ink receiving layers, each of which comprises a porous foamed hydrophilic polymer.

In view of the foregoing remarks, reconsideration of the above identified patent application is respectfully requested. Prompts and favorable action by the Examiner is earnestly solicited. Should the Examiner require anything further, the Examiner is invited to contact Applicant's representative.

Respectfully submitted,



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